

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Criminal No. 10-MJ-67 (DWF)

Plaintiff,

v.

**ORDER**

GUIDANT LLC, formerly d/b/a  
GUIDANT CORPORATION,

Defendant.

The Government has moved this Court for an Order under the Crime Victims' Rights Act ("the Act"), 18 U.S.C. § 3771, authorizing an alternative procedure to notify potential alleged crime victims in this matter pursuant to Section 3771(d)(2). The Government asserts that it would be impracticable for the Government to identify, locate, and to timely notify the thousands of individuals who might allege that they are victims in this matter.

The Court finds that the procedure outlined in the Government's motion is reasonable and will give effect to the Act without unduly complicating or prolonging the proceedings.

Having considered the Government's submissions and the Act's purposes and based on all the file and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Government's Motion to Authorize Alternative Procedures for Notice to Potential Victims is **GRANTED**.

2. The attorneys for the Government are authorized and directed to provide notice pursuant to 18 U.S.C. Section 3771(a)(2) via the following procedure:

a. The Government is directed to provide notice by posting this Order and the Initial Notice as attached as Exhibit B to the Government's Motion (as Amended and e-filed Mar. 10, 2010 (see Doc. No. 7)) (the "Initial Notice") on the internet websites of the United States Attorney's Office and the Department of Justice's Office of Consumer Litigation.

b. The Government will, within 24 hours of the entry of this Order, provide a copy of this Order and the Initial Notice upon Charles S. Zimmerman as Plaintiffs' Liaison Counsel in MDL No. 05-1708 (DWF/AJB).

c. The Government is authorized to provide future notifications pursuant to Section 3771(a)(2) by:

i. Updating the internet websites described above;

and

ii. Notifying Plaintiff's Liaison Counsel in MDL 05-1708 (DWF/AJB).

3. Within five (5) days of the receipt of this Order, Plaintiff's Liaison Counsel in MDL 05-1708 (DWF/AJB), Charles S. Zimmerman, is hereby directed to:

- a. Provide, via U.S. Mail, a copy of the Initial Notice to each claimant in MDL 05-1708 (DWF/AJB) who was implanted with a Ventak Prizm 2 or Contak Renewal 1 device;
  - b. Provide a copy of this Order and a copy of the Initial Notice to each counsel representing such claimants; and
  - c. Within 24 hours of completing (a) and (b) above, provide written notification of such to the attorneys for the Government.
4. The Clerk is directed to post a copy of this Order and the Initial Notice on the ECF Docket of MDL 05-1708 (DWF/AJB) and the U.S. District Court - District of Minnesota's Guidant MDL website.

Dated: March 11, 2010

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Court